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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,041	09/08/2006	Niklas Johansson	PI8159-US1	6177
27045	7590	01/07/2011		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER BAYAT, BRADLEY B	
			ART UNIT 3625	PAPER NUMBER
			NOTIFICATION DATE 01/07/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/550,041	<b>Applicant(s)</b> JOHANSSON ET AL.	
	<b>Examiner</b> BRADLEY B. BAYAT	<b>Art Unit</b> 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/25/2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This communication is in response to amendments and remarks filed on 10/25/2010.

Claims 1 and 10-12 have been amended. Claims 1-17 remain pending.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al. (hereinafter Cooper) 2004/0068473 A1 in view of Cunningham et al. (hereinafter Cunningham) 2004/0029566 A1.

1. Cooper discloses a method of supporting purchases of content over a public communication network from a content provider to a customer using an access operator for communication, at a server controlled by the content provider receives a purchase request for content over said public network from a terminal operated by the customer, comprising the steps of (see Fig 1 and associated text, request for content 20 from customer 10 to content provider 12):

-the content provider server sending a purchase indication message to a transaction router to indicate the purchase request and ask for validation: of the purchase, the transaction router having established a trusted relationship with the content provider and with the access operator

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[0016, content provider server upon receiving a customer request send a validation request to transaction server],

-the transaction router validating the requested purchase in response to said purchase indication message, including checking whether the access operator approves the requested purchase, and asking the customer to confirm the purchase during said purchase dialogue [0018, transaction validation server verifies and validates purchase request including customer data],

-the transaction router sending a purchase validation status to the content provider server including the status of the access operator's approval and the customer's purchase confirmation [0017-18, transaction router send approval upon validation], and

-the content provider delivering content to the customer according to the requested purchase, if the purchase has been properly validated by means of the provided purchase status, such that the access operator can charge the customer for the purchase [Figure 1, content transfer 32 upon validation 30].

Cooper does not explicitly disclose the content provider server sending a URL network address to the customer terminal to connect the customer with the transaction router for performing a purchase dialogue. However Cunningham teaches the above limitation [0087, 94, 96, 107, 126]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include features and steps as taught by Cunningham in the system and method of Cooper, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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2. A method according to claim 1, wherein which said access operator charges the customer for the purchase by means of a subscription bill or a pre-paid card (Fig 1, carrier or charge card or prepaid billing providers 18).

3. A method according to claim 1, wherein that said purchase validation status is sent in response to a purchaser status request from the content provider (Fig 1, validation request 22 and validation status 30).

4. A method according to claim 1, wherein which that validating the requested purchase further includes identifying said operator based on received customer identification for said customer (Fig 1 and Fig 2 with associated text, subscriber authorization) .

5. A method according to claim 4, wherein that said customer identification is any of: a telephone number, a network address or a subscription identity (Fig 2, subscriber identity, 0034).

6. A method according to claim 4, wherein that validating the requested purchase further includes identifying the customer based on said received customer identification [0023, 27, 34].

7. A method according to claim 1, wherein that a purchase confirmation is received after prompting the customer in a purchase dialogue (Fig 1, acknowledgement request 26 and response acknowledgment 28).

8. A method according to claim 1, wherein that a charge request for the purchase is sent from the content provider to the transaction router when the content has been delivered (Fig 2, 60, validation to release content sent to content provider before subscriber charged 62).

9. A method according to claim 1, wherein that each of said established relationships includes a business agreement and necessary technical interfaces [0003-5, 0016-17].

Claims 10-17 are directed to a system of the above recited method and are rejected as above.

### **Response to Arguments**

Applicant's arguments have been fully considered but they are not persuasive. Applicant contends that Cunningham fails to teach that the "URL is used to connect the customer with the transaction router for performing a purchase dialogue (response pg. 7-9)." The Examiner respectfully disagrees and directs the Applicant to citations under Cunningham in the rejection above.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that Cooper and Cunningham are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if

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not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Applicant's argument of "overlap in functionality" is unpersuasive and without merit because Applicant's conclusion of redundancy is erroneous.

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY B. BAYAT whose telephone number is (571) 272-6704. The examiner can normally be reached M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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